



Wisconsin State Legislature

FOR MORE INFORMATION
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Putting Crime Victims First

Victims of crime suffer in many ways as they try to rebuild their lives. Not only do they face emotional as well as physical recovery in some cases, but being a victim of a crime can cause financial hardship as well. Wisconsin's constitution and state law allow courts to order restitution payments to victims by offenders. This financial restitution eases the crime victim's burden and also helps offenders take responsibility for the damage their crime caused. Earlier this month, Governor Scott Walker signed a bill into law that I introduced along with Representative Rob Hutton (R-Brookfield) that puts crime victims first by requiring that their restitution be paid before other fees or fines are collected by the state. We worked closely with Attorney General Brad Schimel on this legislation and heard about his experience as a prosecutor, as a member of the Crime Victim Council and in his role as Attorney General overseeing the Office of Crime Victim Services.

Generally, crime victim restitution payments are paid before other fines, assessments and fees are collected. The exception to this rule is that supervision fees collected by the Department of Corrections (DOC) are paid before the restitution owed to crime victims. Before we introduced Assembly Bill 663, we heard a story about a victim of a drunk driver in Brown County. The court had ordered restitution for the victim, but when the drunk driver was released, the victim had only received one-third of the payments the defendant made. The rest of the payments went to the Department of Corrections. Assembly Bill 663 ensures that restitution orders are paid in full before the Department of Corrections can collect supervision fees. Specifically, this legislation requires the court to order a defendant to allow the DOC to collect restitution

payments from wages earned and funds held by the offender while incarcerated. Not only does this change help crime victims, it furthers the rehabilitation of the offender in a meaningful way.

The story of the victim in Brown County is not unique. At the public hearing on this legislation, we heard from prosecutors and crime victim advocates that one of the greatest frustrations for victims is the lack of restitution that they receive and the level of difficulty that victims have collecting the restitution that is owed to them.

Our bill also makes it easier for crime victims to receive restitution payments after an offender is released from DOC supervision. Previously, if the restitution payments were not paid in full before the offender is released, the crime victim had to petition a circuit court to garnish the wages of an offender, but the garnishment was also limited to 13 weeks. If the restitution was not paid in full by the end of 13 weeks, the victim is forced to return to the circuit court and ask for another garnishment. Assembly Bill 663 removes the 13 week limit and keeps the garnishment order in place until the restitution is paid in full. Additionally, our legislation allows crime victims to recover restitution from an offender's income tax return; the same method used by counties to collect unpaid fines.

Finally, Assembly Bill 663 requires a report on restitution to be submitted to the legislature so that we can see the results of this policy change. Assembly Bill 663 is now 2015 Wisconsin Act 355. I am confident this new law will help crime victims recover and rebuild their lives.

If you have any questions about any of the information I have included or if you have suggestions on other topics or issues you would like learn more about, you may call my office toll-free at (800) 991-5541; write me at P.O. Box 7882, Madison, WI 53708; or e-mail me at: Sen.Olsen@legis.state.wi.us. You can also sign up for our newsletter at our website: <http://www.legis.state.wi.us/senate/sen14/news/index.htm>.